HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIM. APPLICATION NO.7383 OF 2005
IN
WRIT PETITION NO.797 OF 2005

Tata Infotech Ltd. & Anr. ..Applicants
Versus.
State of Maharashtra & Anr. ..Respondents.

Shri.E.P. Bharucha with Kemi Setalwad with Cyrus Barucha i/b. Mulla & Mulla & Craigie Blunt & Caroe for the Applicants

Respondent No.2 present in person.

Shri.Rajesh More, A.P.P. for the Respondent - State.

CORAM: A.M. KHANWILKAR, J.

DATE : DECEMBER 15, 2005.

P.C.

1. Heard Counsel for the applicant and respondent No.2 who appears in person. Respondent No.2 has opposed this application on affidavit. He has made allegations against the advocates who were expected to appear for the Petitioners in the present case. According to him, the Advocate's representative was watching the proceedings before the Court and in spite of that he did not ensure the presence of the Advocate for the Petitioners when the matter was called out. In my opinion, it is too much to assume that the Advocates were personally involved in ensuring that harassment is caused to the respondent No.2 who is appearing in person. As the respondent No.2 is appearing in person, that does not mean that in the interest of justice this application should not be

considered favourably for the Petitioners. I am inclined to allow this application but on condition that the applicant shall compensate the Respondent No.2 for the loss suffered by him on account of the appearance made before this Court on October 27, 2005, and again on December 13, 2005. Respondent No.2 however submits that he is not interested in taking any costs from the Petitioner. Even though Respondent No.2 is not inclined to accept the costs which is likely to be imposed on the Petitioner, in my opinion the Petitioner will nevertheless have to pay costs, which will be made over to the High Court Legal Services Authority, quantified at Rs.7,500/-. On this condition application is allowed in terms of prayer clause (a). Cost to be paid by tomorrow i.e. December 16, 2005.

2. Post this petition along with Criminal Writ Petition No.797 of 2005 on December 22, 2005 under the appropriate caption, provided the Petitioners pay costs, as mentioned earlier.

3. Ad-interim order to continue till December 22, 2005.

(A.M.KHANWILKAR, J.)